

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following	type:	
🔀 original		
☐ divisional		
☐ continuation		
continuation-in-part		
	INVENTORSHIP	IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

METHOD AND APPARATUS OF LOAD SHARING AND FAULT TOLERANCE IN AN INTERACTIVE VIDEO DISTRIBUTION SYSTEM

SPECIFICATION IDENTIFICATION
The specification of which:
is attached hereto was filed on, under Serial No, executed on even date herewith; or Express Mail No (as Serial No. not yet known) and was amended on(if applicable) was described and claimed in PCT International Application No
filed on and as amended under PCT Article 19 on
ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

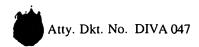
I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which is material to the examination of this application; namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

In compliance with this duty, there is attached an Information Disclosure Statement in accordance with 37 CFR §1.98.

PRIORITY CLAIM (35 U.S.C. §119)

I hereby claim priority benefits under Title 35, United States Code, §119, of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America or of any United States Provisional Application(s) listed below, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one





country other than the United States of America filed by me on the same subject matter having a filing date	e before that
of the application(s) of which priority is claimed.	

No such applications have been filed.

Such applications have been filed as follows:

A. Prior foreign/PCT/provisional application(s) filed within 12 mos. (6 mos. for design) prior to this application, and any priority claims under 35 U.S.C. §119

Country/PCT	Application No	Date Filed	Priority Claimed
U.S.A.	Provisional Application	April 1, 1999	X YES INO
	No. 60/127,337		☐ YES ☐ NO
			\Box YES \Box NO

B. All foreign application(s), if any, filed more than 12 mos. (6 mos for design) prior to this U.S. application

Country:
Application No:
Filing date:

PRIOR U.S. APPLICATION(S) FOR WHICH BENEFIT UNDER 35 U.S.C. §120 IS CLAIMED

		Status			
Serial No.	Filing Date	Patented	Pending	Abandoned	
		patented	pending	abandoned	
		patented	pending	□ abandoned	
		☐ patented	pending	□ abandoned	

POWER OF ATTORNEY

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Charles Lee Thomason	Reg. No. 31,431	Eamon J. Wall	Reg. No. 39,414
Raymond R. Moser Jr.	Reg. No. 34,682	R. Gale Rhodes Jr.	Reg. No. 19833
Joseph Pagnotta	Reg. No. 39,322	Wan Yee Cheung	Reg. No. 42,410
Kin-Wah Tong	Reg. No. 39,400		

Send correspondence to:

Direct telephone calls to:

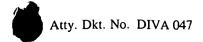
Thomason, Moser & Patterson LLP The Galleria -- 2d Floor 2-40 Bridge Ave. Post Office Box 8160 Red Bank, NJ 07701

Raymond R. Moser, Jr. 732-530-9404

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these





statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of sole or first inventor: Tom Giammarresi	, ,
7 au Mia	Date: 12/6/99
Inventor's signature: 100 Hommones	Date: [2/6]
Residence: 30567 Del Valle Place, Union City, CA 94587	
Post Office Address: same as above	
	Country of Citizenship: USA
Full name of second inventor:	
Inventor's signature:	Date:
Residence:	
Post Office Address:	
	Country of Citizenship:
7.11	
Full name of third inventor:	
T	Date:
Inventor's signature:	Date:
Residence:	
Post Office Address:	
	Country of Citizenship:
	Country of Citizenship.
Full name of fourth inventor:	
Tun name of routen inventor.	
Inventor's signature:	Date:
Residence:	
Post Office Address:	
2 000 0 000 1 000	
	Country of Citizenship:
	-
Full name of fifth inventor:	
Inventor's signature:	Date:
Residence:	
Post Office Address:	
	Country of Citizenship:
Full name of sixth inventor:	
Instantaria ai anatura.	Data
Inventor's signature:Residence:	Date:
Post Office Address:	
1 OSI OTHICE Address.	

Country of Citizenship:

LARATION) CLAIMING SMALL VERIFIED STATEMENT (D

Docket No.

STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN 533/047				
Serial No.	Filing Date	Patent No.	Issue Date	
Applicant/ Patentee: Tom Giammarre	si			
Invention:				
METHOD AND APPARATUS	S OF LOAD SHARING AND FA	AULT TOLERANCE IN AN IN	TERACTIVE, etc.	
I hereby declare that I am:			•	
_	mall business concern identifie			
an official of the s	mall business concern empowe	ered to act on behalf of the con-	cern identified below:	
NAME OF CONCERN:				
ADDRESS OF CONCERN:				
13 CFR 121.3-18, and reprint (b) of Title 35, United State does not exceed 500 persoris the average over the protein temporary basis during each	roduced in 37 CFR 1.9(d), for es Code, in that the number of ns. For purposes of this staten revious fiscal year of the cond th of the pay periods of the fisc , one concern controls or has	concern qualifies as a small bus purposes of paying reduced fe employees of the concern, inchent, (1) the number of employeern of the persons employed cal year, and (2) concerns are a the power to control the other	es under Section 41(a) and luding those of its affiliates, ees of the business concern on a full-time, part-time or affiliates of each other when	
I hereby declare that right concern identified above wi	ts under contract or law have th regard to the above identifie	e been conveyed to and remaind invention described in:	nin with the small business	
the specification	on filed herewith with title as list	ted above.		
☐ the application	identified above.			
the patent ider	itified above.			
organization having rights to person, other than the investment	to the invention is listed on the entor, who could not qualify as	s concern are not exclusive, e e next page and no rights to th s an independent inventor unde cern under 37 CFR 1.9(d) or a r	e invention are held by any er 37 CFR 1.9(c) or by any	

Each person.	concern o	r organizatio		have assigned, granted, cor	nveyed, or li	icensed or am under an
				nvey, or license any rights in		
	•		organization e	exists. n is listed below.		
□ eaci	i sucii peis	on, concern	or organization	i is listed below.		
FULL NAME					· · · · · · · · · · · · · · · · · · ·	
ADDRESS				Small Business Concern		Nonprofit Organization
FULL NAME		Malaladar	J	onidii basiiless oorlociii	_	
ADDRESS						
FULL NAME		Individual		Small Business Concern		Nonprofit Organization
ADDRESS						
		Individual		Small Business Concern		Nonprofit Organization
FULL NAME ADDRESS						
		Individual		Small Business Concern		Nonprofit Organization
invention ave I acknowledg entitlement to maintenance I hereby dec information a willful false s Title 18 of t	erring to the duty or small en fee due af lare that all and belief a tatements af he United	to file, in the status as some to file, in the status parter the date of the statements and the like some states.	small entities. is application orior to paying on which status is made herein to be true; and so made are ple, and that s	each named person, concern (37 CFR 1.27) or patent, notification of any or at the time of paying, or as a small entity is no longe of my own knowledge are to I further that these statement unishable by fine or imprison uch willful false statements ent to which this verified state	change in the earliest rappropriate and that swere made ment, or both may jeopa	status resulting in loss of of the issue fee or any e. (37 CFR 1.28(b)) t all statements made on e with the knowledge that th, under Section 1001 of ardize the validity of the
NAME OF PE	RSON SIG	NING:	Stephanie A.	Storms		
TITLE OF PER	RSON SIGI	NING				
OTHER THAN			Senior Vice President/General Counsel			
ADDRESS OF	PERSON	SIGNING:	c/o DIVA Systems Corporation			
			800 Saginaw Redwood Cit			
SIGNATURE:	S	plan	ieQ.S	STORMS DATE:	12 3	5/99